

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

J.S., (a minor child by and through his
father and next friend, John Seawright),

Plaintiff,

vs.

Officer Curt Campbell, in his individual
capacity,

Defendant.

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Civil Case No. 02:05-cv-928-T

ANSWER

COMES NOW Defendant, Curt Campbell, by and through counsel, and states the following as his answer to Plaintiff's complaint:

1. This Defendant admits that this Court has jurisdiction to adjudicate this matter. This Defendant denies the remainder of paragraph one of Plaintiff's complaint and demands strict proof thereof.
2. This Defendant admits that venue is proper in the Middle District of Alabama. This Defendant denies the remainder of paragraph two of Plaintiff's complaint and demands strict proof thereof.
3. This Defendant admits that Plaintiff is under the age of nineteen years and resides in Lowndes County. This Defendant denies the remainder of paragraph three of Plaintiff's complaint and demands strict proof thereof.
4. This Defendant admits that he is over the age of nineteen years and was an employee,

officer, or agent of the Town of Fort Deposit. This Defendant denies the remainder of paragraph four of Plaintiff's complaint and demands strict proof thereof.

5. This Defendant denies paragraph five of Plaintiff's complaint and demands strict proof thereof.

6. No answer is required of this Defendant as to paragraph six of Plaintiff's complaint.

7. This Defendant denies paragraph seven of Plaintiffs' complaint and demands strict proof thereof.

8. This Defendant denies paragraph eight of Plaintiffs' complaint and demands strict proof thereof.

9. This Defendant denies paragraph eight of Plaintiffs' complaint and demands strict proof thereof.

10. No answer is required of this Defendant as to paragraph ten of Plaintiff's complaint.

11. This Defendant denies count one of Plaintiff's complaint and demands strict proof thereof.

12. This Defendant denies count two of Plaintiff's complaint and demands strict proof thereof.

13. This Defendant denies count three of Plaintiffs' complaint and demands strict proof thereof.

14. This Defendant denies count eight [sic] of Plaintiffs' complaint and demands strict proof thereof.

15. This Defendant denies the Plaintiff's prayer for relief and specifically denies that

Plaintiff is entitled to declaratory judgment, compensatory damages, punitive damages, costs, or other relief.

AFFIRMATIVE DEFENSES

16. This Defendant affirmatively pleads that he is entitled to qualified immunity and discretionary function immunity.

17. This Defendant affirmatively pleads that he is entitled to immunity pursuant to Alabama Code § 6-5-338.

18. This Defendant affirmatively pleads his actions were reasonable and justified.

19. This Defendant affirmatively pleads that his actions were reasonable and legitimate.

20. This Defendant affirmatively pleads that his actions were the actions of a reasonable officer.

21. This Defendant affirmatively pleads the general issue.

22. This Defendant affirmatively pleads that any judgment rendered in this case is limited by statute.

23. This Defendant affirmatively pleads contributory negligence.

24. This Defendant affirmatively pleads that his actions were proper according to law.

25. This Defendant affirmatively pleads that his actions were not the proximate cause of Plaintiff's alleged injuries.

26. This Defendant affirmatively pleads the de minimis force doctrine.

27. This Defendant affirmatively pleads he is immune from liability and this action.

28. This Defendant affirmatively pleads that Plaintiff was not damaged.

29. This Defendant affirmatively pleads that Plaintiff's constitutional rights were not violated.

30. This Defendant affirmatively pleads that Plaintiff must file a more definite statement.

/s/ Rick A. Howard
ALEX L. HOLTSFORD, JR. (HOL048)
RICK A. HOWARD (HOW045)
Attorneys for Curt Campbell

OF COUNSEL:
Nix Holtsford Gilliland
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(334) 215-8585

CERTIFICATE OF SERVICE

I hereby certify that I have this day sent by mail, postage prepaid, an exact copy of the foregoing document to:

Jay Lewis
Andy Nelms
847 S. McDonough Street
Montgomery, Alabama 36104

This the 15th day of November, 2005.

/s/ Rick A. Howard
OF COUNSEL